

hunt with firearms, or therein catch or take any fish from any pond, lake, tank or stream, or in any other manner depredate upon same."

Read first time, and referred to Judiciary Committee No. 2.

#### HOUSE CONCURRENT RESOLUTION NO. 2 SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House Concurrent Resolution No. 2, providing for the appointment of a joint committee to arrange for counting the votes for Governor and Lieutenant Governor, and to arrange for the inauguration of said officers.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House Concurrent Resolution No. 3, being a tribute to Hon. John H. Reagan.

#### EXCUSED.

On motion of Senator Douglass, Senator Mills was excused for non-attendance upon the Senate from Tuesday, January 20, until next Monday, on account of important business.

#### ADJOURNMENT.

On motion of Senator Faulk, the Senate, at 11:20 a. m., adjourned until 10 o'clock a. m., Tuesday.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas, Tuesday, Jan. 27, 1903.  
Senate met pursuant to adjournment.  
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harbison.
Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hale.	Wilson.
Hanger.	

#### Absent.

McKamy.	Perkins.
Paulus.	Stafford.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Harbison, the same was dispensed with.

#### BILLS AND RESOLUTIONS.

By Senator Faust:

Senate bill No. 64, A bill to be entitled "An Act to give the furnishers of feed for cattle a prior lien on said cattle to secure the payment of such feed."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harbison:

Senate bill No. 65, A bill to be entitled "An Act to repeal Subdivision 1, of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, that imposes an annual occupation tax on merchants."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Decker:

Senate bill No. 66, A bill to be entitled "An Act to amend Article 812 of the Revised Civil Statutes of 1895, relating to removal of county seats, and the manner of calling elections for the removal of county seats."

Read first time, and referred to Committee on Counties and County Boundaries.

By Senator Hale:

Senate bill No. 67, A bill to be entitled "An Act to amend Article 4340, Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities, and maintaining and paying the expenses of same."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hicks:

Senate bill No. 68, A bill to be entitled "An Act to amend Article 3071, of Title LVIII, of the Revised Statutes of Texas, of 1895, so as to include accident, fire and marine insurance companies in the list of insurance companies which shall be liable to pay to the holder of a policy in addition to the amount of the loss 12 per cent. damages on the amount of each loss, and reasonable attorneys fees for the prosecution and collection of such loss in the event such companies shall fail to pay the loss after demand made therefor."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harper:

Senate bill No. 69, A bill to be entitled "An Act to provide for the incorporation of mutual fire, storm and lightning insurance companies and defining their powers and duties."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hill:

Senate bill No. 70, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Sutton county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hill:

Senate bill No. 71, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lipscomb:

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 11, Title XVIII, Revised Statutes, relating to towns and villages, by adding thereto Article 580a, providing for the extension of territorial limits and boundaries, and limiting the area as provided for in Article 386a, Chapter 1, Title XVIII, Revised Statutes."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Morris:

Senate bill No. 73, A bill to be entitled "An Act to amend Article 1117, Chapter 3, Title XV, of the Code of Criminal Procedure, and to provide for the payment of jurors who serve in the district court by the State."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harbison:

Senate bill No. 74, A bill to be entitled "An Act to amend Article 3905, Chapter 7, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to public education."

Read first time, and referred to Committee on Education.

By Senator Harper:

Senate bill No. 75, A bill to be entitled "An Act to amend Articles 151, 152, 153, 154, 155 and 156, Chapter 1, Title VI, of the Revised Penal Code of Texas, providing for the punishment of bribery and the use of undue influence at any public

election, or at any election held by authority of any political party."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hill:

Senate bill No. 76, A bill to be entitled "An Act to establish a State Board of Embalming; defining the duties thereof; to provide for the better protection of health and life; to prevent the spread of contagious diseases; to regulate the practice of embalming in connection with the care and disposition of the dead; to provide penalty for the violation thereof, and declaring an emergency."

Read first time, and referred to Committee on Public Health.

By Senator Hicks:

Senate bill No. 77, A bill to be entitled "An Act to amend Title L, Article 2954 (2838), of the Revised Civil Statutes of the State of Texas, as to persons authorized to celebrate the rites of matrimony."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Sebastian and Patteson:

Senate bill No. 78, A bill to be entitled "An Act to amend Article 2982, Chapter 4, Title LV, of the Revised Statutes of the State of Texas (1895), pertaining to marriage and divorce."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Morris:

Senate bill No. 79, A bill to be entitled "An Act to amend Article 3698, of Chapter 6, Title LXXIX, by fixing the minimum salaries of underofficers and employes of the State penitentiaries of Texas."

Read first time, and referred to Committee on Penitentiaries.

By Senator Stafford:

Senate bill No. 80, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 393, 394, 668 and 673 of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Wilson:

Senate bill No. 81, A bill to be entitled "An Act to prescribe the fees to be paid to county clerks, sheriffs, county attorneys and jurors in judicial proceedings in cases of lunacy; to prescribe who shall pay the same, and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to Committee on Finance.

By Senator Morris:

Senate bill No. 82, A bill to be entitled

"An Act to provide for the establishment of courses of study, embracing instruction in manual and industrial training, in the Sam Houston Normal Institute, and making appropriations therefor."

Read first time, and referred to Committee on Education.

By Senator Grinnan:

Senate bill No. 83, A bill to be entitled "An Act to amend Chapter 6, Article 5043, of the Revised Civil Statutes of the State of Texas, of 1895, relating to the regulations for the protection of stock raisers in certain localities."

Read first time, and referred to Committee on Stock and Stock Raising.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 27, A bill to be entitled "An Act to extend relief to, and release the State and county taxes due by certain citizens of the town of Goliad, in Goliad county, Texas, who suffered damages in the cyclone of the 18th day of May, 1902, and to declare an emergency."

Substitute House bill No. 28, A bill to be entitled "An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer causes from their respective courts to the other of said courts; and to conform all writs and process to such changes; and to validate all writs, process and bonds, civil and criminal, issued or executed, up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas; and declaring an emergency."

Senate bill No. 7, A bill to be entitled "An Act to confer upon the county court of Matagorda county the civil and criminal jurisdiction belonging to said court under the Constitution and general stat-

utes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Also House Joint Resolution No. 6, Providing for the printing of Legislative Manual.

House Concurrent Resolution No. 5, Providing for a joint committee of three members of the House and two of the Senate to visit the San Jacinto battle ground.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Senator Hill offered the following resolution:

Resolved, That the courtesies of the Senate be extended Hon. W. W. Turney, a former member of this body, during his stay in this city.

Read second time, and adopted.

#### SPECIAL ORDER.

The Chair then laid before the Senate, special order for this hour,

Senate bill No. 8, A bill to be entitled "An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith, Delta, so as to place McLennan and Limestone counties under the provisions of said chapter, and to declare an emergency."

On motion of Senator Davidson of DeWitt, the special order of business (Senate bill No. 8), was suspended, and the Senate took up out of its order Senate bill No. 41.

The Chair then laid before the Senate, on its second reading,

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1804e, Chapter 7, of the general laws of 1895, entitled 'An Act to better provide for the election contests in this State; and an amendment to said chapter and article to put into operation the amendment of the Constitution of the State of Texas, adopted at the general election in November, 1892, generally known as the

Poll Tax Amendment to the Constitution.'"

Bill was read second time.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, January 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to prescribe the time within which statement of facts and bills of exception may be filed in causes tried in the district and county courts of Texas,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

"Amend by striking out the words 'bills of exception' wherever it is found, both in the caption and the bill."

HANGER, Chairman.

Committee Room,  
Austin, Texas, January 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 43, A bill to be entitled "An Act to create the Sixtieth Judicial District of the State of Texas, in Jefferson county, additional to the Fifty-eighth Judicial District therein, to establish a court, provide for a judge and clerk of such new district, to regulate the venue of the courts of such respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof, and declaring an emergency,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, January 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 9, A bill to be entitled "An Act to amend Section 13, Chapter 12, of an act entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter and fix its boundaries, adopted by the Twenty-sixth Legislature, relating to the treasurer of said incorporated city, so as to provide that the treasurer of said city shall be

treasurer of the school fund of said city, defining his duties and fixing compensation for all duties performed by him as such treasurer of the city of Beaumont, including the duties performed by him as treasurer in handling the school fund, and to repeal all laws and parts of laws in conflict with this amendment,"

And find the same correctly enrolled, and have this day at 10:40 a. m. presented the same to the Governor for his approval.

HALE, Chairman.

#### SENATE BILL NO. 17. SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 17, "An Act to fix a time of holding the courts in the Forty-seventh Judicial District of Texas."

#### PORTER RESIGNED.

Austin, Texas, January 27, 1903.

*To the Honorable Governor Neal.*

This comes to you as my resignation as porter in the Senate. I am,

Respectfully,

JOHN R. HOGAN.

The Chair announced the appointment of Mark Marsh, of Washington county, to fill the vacancy created by the resignation of Hogan.

(Senator Savage in the chair.)

#### SENATE BILL NO. 41.

Action recurring on the consideration of Senate bill No. 41,

Senator Davidson of DeWitt offered the following amendment:

"Amend Article 1804c $\frac{1}{2}$ : 'The fact that May elections are about to be held in this State and that the purpose of this amendment is to provide rules for in contested election cases creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

Bill was then ordered engrossed.

On motion of Senator Davidson of DeWitt the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

## Absent.

Davidson of	Paulus.
Galveston.	Perkins.
McKamy.	Stafford.

The bill was read third time, and passed by the following vote:

## Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

## Absent.

Davidson of	Paulus.
Galveston.	Perkins.
McKamy.	Stafford.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

**SIR:** I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 36, A bill to be entitled "An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new article to be known as Article 5080a."

Respectfully,

BOB BARKER,  
Chief Clerk House of Representatives.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, January 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

**SIR:** Your Committee on State Affairs, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act to amend Title IX, Chapter 2, Article 173, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 173a."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

DOUGLASS, Acting Chairman.

Committee Room,  
Austin, Texas, January 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

**SIR:** Your Committee on State Affairs, to whom was referred

Senate bill No. 58, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature and amended at the Regular Session of the Twenty-sixth Legislature and at the Regular Session of the Twenty-seventh Legislature, entitled 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof,' by exempting the county of Anderson and other counties from the provisions of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

DOUGLASS, Acting Chairman.

## SIMPLE RESOLUTION.

Senator Lipscomb offered the following resolution:

Whereas, There being no physician on the Committee on Asylums; and owing to the fact that Senator A. M. Douglass is a practicing physician; therefore, be it

Resolved, That his name be added to the Committee on Asylums.

The resolution was read second time and adopted.

## REGULAR ORDER.

The Chair laid before the Senate, on its second reading, the regular order of

business, Senate bill No. 8 (see caption above).

Bill was read second time, and

Senator Faulk offered the following amendment:

"Amend the caption by adding after the word 'Limestone,' on page 1, line 16, the words 'Kaufman and Rains.'"

The amendment was read and adopted.

Senator Willacy offered the following amendment:

"Amend by inserting the words 'San Patricio' after the word 'McLennan,' in line 25 of the bill, and after the word 'McLennan,' in line 16."

The amendment was read and adopted.

Senator Faulk offered the following amendment:

"Amend by adding 'Kaufman and Rains' after the word 'Limestone,' on page 1, line 26."

The amendment was read and adopted.

Senator Mills offered the following amendment:

"From the fact that the citizens of McLennan county desire an opportunity to vote on the question as to whether stock should be permitted to run at large creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and adopted.

Senator Martin offered the following amendment:

"Amend by including 'Coryell' county in the provisions of this bill."

The amendment was read and adopted.

Senator Mills offered the following amendment:

"Amend the caption by adding to the caption 'Coryell.'"

The amendment was read and adopted.

The bill as amended was ordered engrossed.

On motion of Senator Mills the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Hanger.
Brachfield.	Harbison.
Cain.	Harper.
Davidson of	Henderson.
DeWitt.	Hicks.
Decker.	Hill.
Douglass.	Lipscomb.
Faubion.	Martin.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hale.	Savage.

Sebastian.	Wilson.
Willacy.	

Absent.

Davidson of	Paulus.
Galveston.	Perkins.
McKamy.	Stafford.

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

Absent.

Davidson of	Paulus.
Galveston.	Perkins.
McKamy.	Stafford.

#### HOUSE CONCURRENT RESOLUTION NO 4 REFERRED.

The Chair (Senator Savage) had read and referred, after its caption had been read,

House Concurrent Resolution No. 4, Relating to instructions of United States Senators to use their efforts to secure an appropriation for the purchase of a site for a military camp of instruction near Fort Sam Houston, Texas,

To the Committee on Military Affairs.

#### COMMITTEE REPORT.

Committee Room,

Austin, Texas, January 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Substitute House bill No. 28, A bill to be entitled "An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of the said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Dis-

trict in Grayson county to transfer cases from their respective courts to the other of said courts; and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect by or from the district courts of the several counties named in this act, and to provide for the appointment of a district judge for the Fifty-ninth Judicial District, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

BEATY, Chairman.

#### REGULAR ORDER.

The Chair (Senator Savage) laid before the Senate the regular order of business,

Senate bill No. 12, A bill to be entitled "An Act to amend Article 605, Title XV, Chapter 3, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, relating to assaults to commit some other offense, by fixing the punishment for assault with intent to commit murder, and repealing all laws in conflict therewith."

#### REGULAR ORDER SUSPENDED.

On motion of Senator Harbison, the regular order of business, Senate bill No. 12, was suspended, and the Senate took up, out of its order,

Substitute House bill No. 28, A bill to be entitled "An Act reorganizing the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District."

(Lieutenant Governor Neal in the chair.)

The Chair then laid before the Senate Substitute House bill No. 28, A bill to be entitled "An Act reorganizing the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District."

Senator Harbison moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion to suspend prevailed.

Bill was read second time, and passed to a third reading.

On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Davidson of
Brachfield.	DeWitt.
Cain.	Decker.

7—8

Douglass.	Hicks.
Faubion.	Hill.
Faulk.	Lipscomb.
Faust.	Martin.
Grinnan.	Mills.
Hale.	Patteson.
Hanger.	Savage.
Harbison.	Sebastian.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Davidson of	Paulus.
Galveston.	Perkins.
McKamy.	Stafford.
Morris.	

Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Harbison.
Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hale.	Wilson.
Hanger.	

Absent.

Davidson of	Morris.
Galveston.	Paulus.
Hicks.	Perkins.
McKamy.	Stafford.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Military Affairs, to whom was referred

House Concurrent Resolution No. 4, relating to instructions of United States Senators to use their efforts to secure an appropriation for the purchase of a site for a military camp of instruction near Fort Sam Houston, Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the resolution be not printed.

HARPER, Chairman.

Committee Room,  
Austin, Texas, January 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 27, A bill to be entitled "An Act to extend relief and to release the State and county taxes due by certain citizens of the town of Goliad, in Goliad county, Texas, who suffered damages in the cyclone of the 18th day of May, 1902, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, and that it be not printed.

HANGER, Chairman.

#### SENATE BILL NO. 19 ON SECOND READING.

On motion of Senator Hale, pending business was suspended, and the Senate took up out of its order, Senate bill No. 19.

The Chair then laid before the Senate, on its second reading,

Senate bill No. 19, A bill to be entitled "An Act to amend Article 3142, to repeal Articles 3143 and 3144, Title LXII, Chapter 1, of the Revised Civil Statutes of the State of Texas, defining who are exempt from jury service,"

With the following committee amendment:

"Amend by adding after Section 6, 'Section 7, All licensed pharmacists in the active practice and discharge of their duties.'

"Amend by adding after the word 'companies' in subdivision 6, the words 'and all members of paid fire departments.'

"Amend by adding subdivision 8, 'All conductors and engineers of railroad companies when engaged in the regular and actual discharge of the duties of their respective positions.'

Senator Hale moved the adoption of the committee amendments.

The motion prevailed.

Bill read second time, and ordered engrossed.

On motion of Senator Hale, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Brachfield.	Douglass.
Cain.	Faubion.
Decker.	Faulk.

Faust.	Lipscomb.
Grinnan.	Martin.
Hale.	Mills.
Hanger.	Morris.
Harbison.	Patteson.
Harper.	Savage.
Henderson.	Sebastian.
Hicks.	Willacy.
Hill.	Wilson.

Absent.

Beaty.	Paulus.
Davidson of	Perkins.
Galveston.	Stafford.
McKamy.	

Senator Hicks offered the following amendment:

"Amend by adding in subdivision 8, after the word 'engineers,' the words 'brakemen and firemen.'"

The amendment was adopted by the following vote:

Yeas—22.

Brachfield.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Patteson.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	

Absent.

Beaty.	McKamy.
Cain.	Paulus.
Davidson of	Perkins.
Galveston.	Stafford.
Harper.	Wilson.

Senator Mills offered the following amendment:

"Amend by adding after Section 6, 'by exempting all members of the State Volunteer Guard when ordered out by the Governor or attending camps of instruction or annual encampments,'"

The amendment was adopted by the following vote:

Yeas—23.

Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Douglass.	Lipscomb.
Faubion.	Martin.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.



## Nays—1.

Decker.

## Absent.

Beaty.	Paulus.
Davidson of	Perkins.
Galveston.	Stafford.
McKamy.	Wilson.

Senator Sebastian offered the following amendment:

"Add after Subdivision 6 the following: 'All overseers of roads.'"

The amendment was read, and lost by the following vote:

## Yeas—6.

Faubion.	Patteson.
Henderson.	Sebastian.
Mills.	Willacy.

## Nays—16.

Brachfield.	Harper.
Decker.	Hicks.
Douglass.	Hill.
Faulk.	Lipscomb.
Faust.	Martin.
Grinnan.	Morris.
Hale.	Savage.
Hanger.	Wilson.

## Present—Not voting.

Davidson of  
DeWitt.

## Absent.

Beaty.	McKamy.
Cain.	Paulus.
Davidson of	Perkins.
Galveston.	Stafford.
Harbison.	

Bill was read third time, and passed by the following vote:

## Yeas—21.

Brachfield.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Douglass.	Lipscomb.
Faubion.	Martin.
Faulk.	Mills.
Faust.	Patteson.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

## Absent.

Beaty.	McKamy.
Cain.	Morris.
Davidson of	Paulus.
Galveston.	Perkins.
Decker.	Stafford.
Harbison.	

## EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,  
STATE OF TEXAS.

Austin, January 27, 1903.

*To the Senate:*

The advice and consent of the Senate is asked to the following appointments:  
Board of Penitentiary Commissioners—L. M. Openheimer, of Travis county; S. M. Fry, of Tarrant county; and J. L. Ellison, of Caldwell county.

Board of Pardon Advisers—Henry E. Shelley, of Travis county; and J. N. English, of Johnson county.

Board of Managers of the North Texas Lunatic Asylum—John L. Terrell, J. S. Grinnan, B. L. Gill, W. A. Brooks, and Geo. E. Kelley, all of Kaufman county.

Board of Managers of the State Lunatic Asylum—David Harrell, R. P. Bull, C. H. Miller, and R. W. Finley, of Travis county, and A. W. Carpenter, of Williamson county.

Board of Managers of the Southwest Texas Lunatic Asylum—Homer Eads, A. C. McDaniel, P. H. Swearingen, John W. Kokernut, and Frank H. Bushick, all of Bexar county.

Board of Trustees of the Deaf and Dumb Asylum—I. P. Lockridge, Joe Koen, J. A. French, John E. Shelton, and C. A. Taylor, all of Travis county.

Board of Trustees of the Blind Asylum—R. C. Walker, O. D. Parker, W. G. Bell, W. H. Richardson, Jr., and Sidney Nolan, all of Travis county.

Board of Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—R. M. Thomson, Chas. Stephenson, W. H. Cullen, Hermann Pressler, and J. W. Graham, all of Travis county.

Board of Managers of the Confederate Home—E. P. Reynolds, of Hays county; A. W. McIver, of Burleson county; and W. H. Richardson, Val C. Giles and W. C. Walsh, of Travis county.

Board of Regents of the State University—T. S. Henderson, of Milam county; Geo. W. Brackenridge, of Bexar county; F. M. Spencer, of Galveston county; T. W. Gregory, of Travis county; Beauregard Bryan, of El Paso county; J. N. Browning, of Potter county; Ben P. Cain, of Smith county; and H. M. Chapman, of Tarrant county.

Board of Regents of the Texas Industrial Institute and College for the Education of White Girls of the State of Texas in the Arts and Sciences—Birdie R. Johnson, of Smith county; Clarence C. Ousley, of Galveston county; Helen M. Stoddard, of Tarrant county; A. P. Wooldridge, of Travis county; John A. Hann, of Denton county; M. Eleanor Brackenridge, of Bexar county; and Rosser Thomas, of Fannin county.

Commissioners of Pilots at Galveston

—J. A. Robertson, John Young, Robert Bornfeld, J. M. O. Menard, Chas. Clark, Sr., all of Galveston county.

Commissioners of Pilots at Sabine Pass—R. A. McReynolds, W. H. Gilliland, Gus Higby, J. R. Adams, J. L. Megathlin, all of Jefferson county.

Commissioners of Pilots at Brazos de Santiago—Frank Champion, Jose Celaya, Thomas Carson, Joseph Champion, W. E. Wren, all of Cameron county.

S. W. T. LANHAM,  
Governor.

#### EXECUTIVE SESSION.

On motion of Senator Hanger, the hour of 11 o'clock a. m. tomorrow was designated as the time for the Senate to go into executive session to consider the above appointments of the Governor.

#### PENDING BUSINESS SUSPENDED.

On motion of Senator Davidson of DeWitt, pending business was suspended and the Senate took up, out of its order, House bill No. 27.

The Chair then laid before the Senate,

House bill No. 27, A bill to be entitled "An Act to extend relief to and release the State and county taxes due by certain citizens of the town of Goliad, in Goliad county, Texas, who suffered damages in the cyclone of the 18th day of May, 1902, and to declare an emergency."

On motion of Senator Davidson of DeWitt, the Senate rule requiring committee reports to lie over for one day, was suspended for the purpose of taking up House bill No. 27.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Beaty.	Henderson.
Brachfield.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.
Harper.	

Absent.

Cain.	Hale.
Decker.	Harbison.

McKamy.  
Paulus.

Perkins.  
Stafford.

The bill was read second time, and passed to third reading.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Henderson.
Brachfield.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.
Harper.	

Absent.

Cain.	McKamy.
Decker.	Paulus.
Hale.	Perkins.
Harbison.	Stafford.

The bill was read third time, and passed by the following vote:

Yeas—22.

Beaty.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

Absent.

Brachfield.	McKamy.
Cain.	Paulus.
Decker.	Perkins.
Hale.	Stafford.
Harbison.	

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed and lay the motion on the table.

The motion prevailed.

(President Pro Tem. Davidson in the chair.)

#### PENDING BUSINESS SUSPENDED.

Senator Faubian moved to suspend pending business (Senate bill No. 12)

and take up Senate bill No. 20 on its second reading.

The motion prevailed.

The Chair then laid before the Senate, on its second reading,

Senate bill No. 20, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require the judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue to the jury, and to repeal all laws in conflict herewith,"

With the following committee substitute:

S. S. B. No. 20.] [By Committee.

### A BILL

#### TO BE ENTITLED

An Act to amend Articles 1316 and 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to require judges of the district and county courts to read and submit all special instructions to the jury before argument of counsel, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 1316. After the evidence in a cause has been heard and before the cause has been argued to the jury by counsel, the judge of the district or county court, as the case may be, shall in open court deliver a charge to the jury on the laws of the case, subject to the restrictions hereinafter provided."

Sec. 2. That Article 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 1319. Either party may present to the judge, in writing, such instructions as he desires to be given to the jury, and the judge may give such instructions, or a part thereof, or he may refuse to give them, as he may see proper, and he shall read to the jury such of them as he may give; provided, that all special instructions authorized herein shall be presented to the judge before the reading of this general charge to the jury, and if approved by him

shall be submitted to the jury with his general charge."

Senator Faubian moved the adoption of the foregoing substitute.

The motion prevailed, and

Senator Hicks offered the following amendment:

"Amend Section 1 by adding after the word 'deliver,' in line 21, the words 'in writing.'"

The amendment was read and adopted.

Senator Hanger offered the following amendment:

"Amend the bill by striking out the word 'this,' in line 1, page 3, and inserting in lieu thereof the word 'his.'"

The amendment was read and adopted.

### ADJOURNMENT.

On motion of Senator Mills, the Senate adjourned until 10 o'clock a. m. tomorrow.

### ELEVENTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Jan. 28, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Davidson of Hanger.  
DeWitt.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Savage, the same was dispensed with.

### EXCUSED.

On motion of Senator Grinnan, Senator McKamy was excused for non-attendance upon the Senate on Friday of